

ENVIRONMENTAL  
DEFENSE  
FUND

APPENDIX A

File

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162 OLD TOWN ROAD, EAST SETAUKET, N.Y. 11733/516 751-5191

January 21, 1975

Honorable Russell E. Train  
Administrator  
U.S. Environmental Protection Agency  
401 M Street S.W.  
Washington, D. C. 20460

Dear Mr. Train:

Enclosed please find our petition requesting that you make the determination that the aquifers underlying Nassau and Suffolk Counties, Long Island, New York, are the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, pursuant to Section 1424(e) of the Safe Water Drinking Act of 1974. We are requesting that you publish notice of that determination in the Federal Register pursuant to that statute.


We would request that you act upon this Petition as soon as possible. In the event that you decide not to take any action with respect to this Petition, we would respectfully request that you so advise us.

If you need any additional information in support of this Petition, please let us know.

Yours very truly,

cc (with enclosure):

Mr. Gerald Hansler  
Regional Administrator

  
James T. B. Tripp  
Counsel

☒ Mr. Robert Zener, General Counsel  
U.S. Environmental Protection Agency

Mr. William Frick, Deputy General Counsel for Water  
U.S. Environmental Protection Agency

Mr. Mark Pisano  
Director of Water Planning Division  
U.S. Environmental Protection Agency

Mr. Ogden Reed, Commissioner

Mr. John Hanna, General Counsel  
Department of Environmental Conservation

Mr. Robert Cooke  
Regional Administrator  
Department of Environmental Conservation  
Stony Brook, New York

Mr. John V. N. Klein  
Suffolk County Executive

Mr. Ralph Caso  
Nassau County Executive

Mr. Lee E. Koppelman, Executive Director  
Bi-County Planning Commission



BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Russell E. Train, Administrator

In the Matter of the Petition of the )  
ENVIRONMENTAL DEFENSE FUND, INC. )  
Under Section 1424(e) of the 1974 Water )  
Supply Act with Respect to the Aquifers )  
of Nassau and Suffolk Counties, New York )

Petition

1. Section 1424(e) of the 1974 Water Supply Act provides as follows:

"(e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer."

2. The aquifers which underlie Nassau and Suffolk Counties, New York, a standard statistical metropolitan area, are the sole drinking water source for this area. Numerous publications by federal agencies, including "An Atlas of Long Island's Water Resources," New York Water Resources Commission Bulletin 62, by Phillip Cohen, O. L. Franke and B. L. Foxworthy, Hydrologists, United States Geological Survey (in particular p. 70) and the Environmental Impact Statement entitled "Environmental Impact Statement on Waste Treatment Facilities Construction Grants for Nassau and Suffolk Counties, New York (the "EIS"), p. 50-51, prepared by the U.S. Environmental Protection Agency in July 1972 establish this fact.

3. Nassau County has a population of approximately 1.45 million people according to the 1970 census. At the time of the census, Suffolk County had a



4. Nassau and Suffolk Counties have three principal aquifers, the Glacial Aquifer (the top aquifer), the Magothy Aquifer and the Lloyd Aquifer. The top two aquifers, the Glacial and Magothy Aquifer are the principal sources of water for the residents of Nassau and Suffolk Counties.

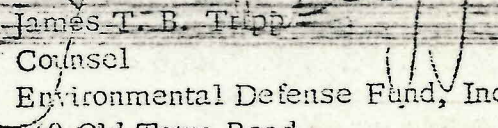
5. Since these aquifers are the sole source of drinking water for Nassau and Suffolk Counties, contamination of these aquifers could create a significant hazard to public health.

6. That contamination of the Glacial Aquifer is already a problem is evident from the EIS itself. Numerous U.S. Geological Survey and Nassau and Suffolk County Reports substantiate this contamination problem. Indeed, the expenditure of hundreds of millions of dollars of EPA grant money to fund huge coastal treatment plants with outfalls described in the EIS is evidence of this contamination problem.

7. Finally, the two counties, Nassau and Suffolk, are filing a joint application to designate the Bi-County Planning Commission as a Section 208 local planning organization under Section 208 of the 1972 Federal Water Pollution Control Act Amendments in recognition of the fact that the two Counties are an area "which has substantial water quality control problems."

8. Therefore, we request that you determine that Nassau and Suffolk Counties have aquifers which are "the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, ..." and that you therefore publish notice of this determination in the Federal Register.

Respectfully submitted,

  
James T. B. Tripp  
Counsel  
Environmental Defense Fund, Inc.  
162 Old Town Road  
East Setauket, New York 11733



# AQUIFERS UNDERLYING NASSAU AND SUFFOLK COUNTIES, LONG ISLAND, NEW YORK

## Proposal on EPA Determination

On March 6, 1975, the Environmental Protection Agency published a notice in the Federal Register (40 FR 10514) that it had received a petition, pursuant to section 1424(e) of the Public Health Service Act, as amended by the Safe Drinking Water Act, P.L. 93-523, to make a determination that the Edwards Aquifer is the sole or principal drinking water source for the San Antonio area which, if contaminated, would create a significant hazard to public health.

A petition has been submitted, on behalf of the Environmental Defense Fund, requesting the Administrator of the Environmental Protection Agency to make a similar determination with respect to the aquifers underlying Nassau and Suffolk Counties. This petition is reprinted in full below:

## BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Russell E. Train, Administrator

In the Matter of the Petition of the  
ENVIRONMENTAL DEFENSE FUND, INC.  
Under Section 1424(e) of the 1974 Water  
Supply Act with Respect to the Aquifers  
of Nassau and Suffolk Counties, New York

## Petition

1. Section §1424(e) of the 1974 Water Supply Act provides as follows:

"(e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health,

## CONCURRENCES

SYMBOL	WSD	WSD		EG-331	OWSD	OWHm
SURNAME	Thompson	Heckman	M. J. Jermol	Little	Reyn	Levin
DATE	5/1/75	5/1/75	5/1/75	5/9/75	5/12/75	5/14/75



he shall publish notice of that determination in the Federal Register. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer."

2. The aquifers which underlie Nassau and Suffolk Counties, New York, a standard statistical metropolitan area, are the sole water source for this area. Numerous publications by federal agencies, including "An Atlas of Long Island's Water Resources," New York Water Resources Commission Bulletin 62, by Phillip Cohen, O. L. Franke and B. L. Foxworthy, Hydrologists, United States Geological Survey (in particular p. 70) and the Environmental Impact Statement entitled "Environmental Impact Statement on Waste Treatment Facilities Construction Grants for Nassau and Suffolk Counties, New York (the "EIS"), p. 50-51, prepared by the U.S. Environmental Protection Agency in July 1972 establish this fact.
3. Nassau County has a population of approximately 1.45 million people according to the 1970 census. At the time of the census, Suffolk County had a population of about 1.13 million, but has been growing rapidly since that time. The latest population figure for Suffolk County

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is 1,256,216. The population of Suffolk County, which in terms of land area takes up almost two thirds of Long Island, is gradually spreading eastward.

4. Nassau and Suffolk Counties have three principal aquifers, the Glacial Aquifer (the top aquifer), the Magothy Aquifer and the Lloyd Aquifer. The top two aquifers, the Glacial and Magothy Aquifer are the principal sources of water for the residents of Nassau and Suffolk Counties.

5. Since these aquifers are the sole source of drinking water for Nassau and Suffolk Counties, contamination of these aquifers could create a significant hazard to public health.

6. That contamination of the Glacial Aquifer is already a problem is evident from the EIS itself. Numerous U.S. Geological Survey and Nassau and Suffolk County Reports substantiate this contamination problem. Indeed, the expenditure of hundreds of millions of dollars of EPA grant money to fund huge coastal treatment plants with outfalls described in the EIS is evidence of this contamination problem.

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# ENVIRONMENTAL PROTECTION AGENCY

8. Therefore, we request that you determine that Nassau and Suffolk Counties have aquifers which are "the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health,..." and that you therefore publish notice of this determination in the Federal Register.

Respectfully submitted,

(Signed)

James T. B. Tripp  
Counsel  
Environmental Defense Fund, Inc.  
162 Old Town Road  
East Setauket, New York 11733

East Setauket, New York

January 21, 1975

EPA intends to decide whether to make the requested determination at the earliest time consistent with a complete review of the relevant data and information, and a full opportunity for public participation. In this regard, the Agency is developing a full factual record, and solicits comments, data, and references to additional sources of information relevant to the determination required by §1424(e). In particular, information is sought concerning whether or not the underground water body or bodies underlying Nassau and Suffolk Counties

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# ENVIRONMENTAL PROTECTION AGENCY

are a single aquifer, or are two or more separate, distinct aquifers. Information is further sought concerning the geographical boundaries and other characteristics of the aquifer or aquifers and their recharge zones, the area or areas dependent upon them for drinking water, the significance of current or anticipated threats to public health that might result from contamination of the aquifers, and the prospects that such contamination will occur as a result of current activities or events that must be anticipated.

Comments, data, and references in response to this notice should be submitted in writing to the Regional Administrator, Region II, Environmental Protection Agency, 26 Federal Plaza, Room 1009, New York, N. Y. 10007 within 60 days. Information which is available to the Agency concerning the aquifers underlying Nassau and Suffolk Counties will be available for inspection at the address listed above.

Dated:

Russell E. Train  
Administrator

*do not type in name*

Prepared by:EHockman:fem:WH-450:426-3934:3/21/75

## CONCURRENCES

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Appendix C

Nassau-Suffolk Counties, New York

Background Document  
in support of the  
Issue Memorandum  
concerning section 1424(e)  
of the Safe Drinking Water Act

Prepared by the U.S. Environmental  
Protection Agency, Region II

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